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SENATE BILL NO. 331

Senate Amendments in [] — February 15, 2000

A BILL to amend the Code of Virginia by adding a section numbered 8.01-397.1, relating to evidence of habit or routine practice.

Patrons—Norment, Bolling, Forbes, Holland, Houck, Lambert, Lucas, Martin, Puckett, Puller, Quayle, Reynolds, Saslaw, Schrock, Stolle and Watkins; Delegates: Abbitt, Albo, Bennett, Black, Bloxom, Cantor, Drake, Griffith, Hamilton, Harris, Howell, Johnson, Jones, S.C., Keister, Kilgore, Larrabee, McClure, McDonnell, McQuigg, Morgan, Nixon, Parrish, Ruff, Shuler, Tate, Van Yahres, Wardrup, Weatherholtz and Woodrum

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-397.1 as follows:

§ 8.01-397.1. Evidence of habit or routine practice; defined; method of proof.

A. Admissibility. Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eye witnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice. [Evidence of prior conduct may be relevant to rebut evidence of habit or routine practice.]

B. Habit and routine practice defined. A "habit" is a person's regular response to repeated specific situations. A "routine practice" is a regular course of conduct of a group of persons or an organization.

[~~C. Method of proof. Habit or routine practice may be proved by testimony in the form of an opinion or by specific instances of conduct sufficient in number to warrant a finding that the habit existed or that the practice was routine.~~]

ENGROSSED

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